

**City of Seattle**  
**COMPREHENSIVE PLAN AMENDMENT APPLICATION – 2012-2013**

*Date:* May 15, 2012

*Applicant:* Chris Leman

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*City:* Seattle      *State:* WA      *Zip:* 98102-3310      *Phone:* (206) 322-5463

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*Name of general area, location, or site that would be affected by this proposed change in text (attach additional sheets if necessary):* Seattle as a whole.

*Applicant Signature:*

A handwritten signature in black ink that reads "Chris Leman". The signature is written in a cursive, flowing style.

*Date:* 5/15/12

## **REQUIRED QUESTIONNAIRE: Comprehensive Plan Amendment**

*1. Provide a detailed description of the proposed amendment and a clear statement of what the proposed amendment is intended to accomplish. Include the name(s) of the Comprehensive Plan Element(s) (Land Use, Transportation, etc.) you propose to amend.*

This amendment would create a new, twelfth, element, or an appendix, of the Comprehensive Plan. This new element or appendix would be entitled, "Open and Participatory Government." It would include goals, objectives, and policies covering government overall, including but not limited to the other elements of the Comprehensive Plan.

The purpose of any plan is to provide goals and a strategy and a system of steps to move in that direction. The Comprehensive Plan contains plans for Seattle's physical and cultural development, but it lacks any plan for Seattle's democratic development. Open government depends, of course, on obedience to laws on open public meetings and the disclosure of public records. But Seattle's government should not simply wait for the public to ask it for information or hope that they will pay attention to what it is doing; it should make it easy for the public to be informed and to participate.

Seattle should have a plan that enables the public to find out what government is doing. Its plan should ensure that decision processes are conducted in a way that maximizes the possibility of public input before decisions are made. Seattle should plan for proactively maximizing the quantity and quality of public access to its documents, meetings, and other activities. Following are best practices suggested for the new "Open and Participatory Government" element or appendix of Seattle's Comprehensive Plan. These suggestions are only illustrative. The Mayor and City Council are encouraged of course to select from these suggestions, but also to develop their own lists, for goals and policies that would be adopted in the new Open and Participatory Government element or appendix of the Comprehensive Plan.

### Mayor and executive branch

- The Mayor and executive branch shall lead in promoting open and participatory government
- Ensure that executive branch personnel feel free to respond to questions from the public and the press, without need for permission from superiors or political appointees
- Post on the City web site the schedule of the Mayor and key appointees
- Manage the "paper cuts" program in a way that does not deny paper posters, notices, and mailings from members of the public who otherwise would not receive a notice or announcement
- Ensure that public-private partnerships do not become a substitute for public planning

### City Council

- Involve the City Council at all stages in writing and approving the new "Open and Participatory Government" element of the Comprehensive Plan

- Publicize meetings of the City Council and its committees widely, well beyond what is minimally required by state law
- Well in advance of meetings of the Council and its committees, provide on the web site, as links to the agenda, those documents that will be discussed, including amendments likely to be offered
- Make it clear in publicity that “retreats” and similar gatherings are official public meetings. Preferably, avoid use of the word “retreat,” as it may make the public feel unwelcome.
- Legislative “retreats” that are public meetings under the Open Public Meetings Act will be held in City buildings within the City of Seattle, and will be audio and/or video recorded
- Audio record all executive (closed) sessions of the City Council, with independent legal review to ensure that the public was excluded only in compliance with the Open Public Meetings Act
- Without a declaration by the City Council that the matter justifies a departure from this practice, the Council will not take action (1) on the same day as a hearing, (2) soon after a committee recommendation, or (3) on a measure that has not been referred to a committee for its consideration
- Offer paper copies (at least for inspection purposes) at meetings of the Council and its committees so that members of the public have the full text of all proposals that are being discussed or acted on
- Accompany all legislation with a clear explanation of what is being proposed
- For each quarterly budget adjustment, do public outreach and hold at least one public meeting outside of business hours
- Assign open and participatory government as the mission of a committee that makes recommendations for legislation and for the City Council’s own practices
- Prohibit legislative staff from lobbying for legislation

#### City Attorney

- Work with the Mayor and City Council to release more of the legal advice that has been provided to them, in instances where there are no pending legal proceedings
- Issue public opinions on legal matters for public review, including on questions posed by the public (as is done by the state Attorney General)
- Advise the executive branch and City Council on proactive ways to be open and participatory that go beyond the minimal legal requirements of state law

#### Municipal Court

- Post all court-related documents (except those whose disclosure could unfairly affect a pending case) on web sites for free access by the public
- Expand the telecast and webcast of courtroom proceedings

#### Hearing Examiner

- Allow all filings to be made electronically

- Webcast all hearings

#### Advisory boards and commissions

- Provide on the City web site full information about all City boards and commissions, such as about their procedures and how their members are selected
- Widely publicize the meetings of City boards and commissions, and hold them in rooms large enough and at locations convenient for the public to attend
- Declare board and commission meetings to be public meetings, whether or not this is required under the Open Public Meetings Act (which applies only to advisory committees created by ordinance or charter)
- Make it clear in publicity that “retreats” and similar gatherings are official public meetings. Preferably, avoid use of the word “retreat,” as it may make the public feel unwelcome.
- Webcast the meetings of boards and commissions
- Adopt ethical standards for agencies and public officials regarding what is appropriate and inappropriate in their efforts to influence a decision by an advisory board or commission
- Allow each board or commission to select its own leadership, by-laws, procedures and agenda, subject to the following requirements:
  - Operate by Robert's Rules of Order, but strive for consensus
  - Circulate the draft agenda prior to each meeting and adopt it (with any revisions) at the beginning of the meeting
  - Distribute the draft minutes some time prior to the meeting at which they will be approved, in order to allow time for board or commission members, and members of the public, to suggest revisions
  - Those present who are not board or commission members should be provided a reasonable opportunity to comment at meetings. This opportunity should normally be at the outset of the meeting or agenda item, not after the board or commission has acted or at the end of the meeting. Alternatively, provide members of the public the informal opportunity to participate in discussion throughout the meeting.
- Quickly include on the web site the draft agenda, draft and final minutes, and other documents
- Decision documents being referred to during a meeting shall also be available, at least for inspection purposes, to members of the public who are in attendance, prior to any public comment period
- Where possible, materials relating to agenda items will be posted on the web site some days prior to the meeting in order to allow board and commission members, and the public, to read and consider them beforehand
- When decision documents are provided to committee members prior to the meeting, place them on the web site so that members of the public may review them beforehand

#### Seattle Channel

- Create a separate TV cable channel for arts programming, to restore hours on Channel 21 that were lost in recent years from the previous rebroadcast coverage of meetings of

the City Council and of City boards and commissions. Ensure that these rebroadcasts again occur during weeknight prime time and weekend daytime hours.

- Greatly increase the broadcast, rebroadcast, and webcast of meetings of City boards and commissions
- Provide closed captioning for City Council meetings

#### City web site(s)

- Include with proposed or adopted legislation, and in a timely way, all attachments that are referred to in the legislation
- For proposed or adopted legislation and in a timely way, post all drafts and proposed amendments and all attachments that are referred to in the legislation
- Keep web sites up to date (prompt posting of meeting announcements and of documents that are referred to at the meetings)
- Include on public web sites many documents that the public is likely to request, thereby reducing the burden on the public and on government of public records requests
- Allow access by the public to Seattle's "inweb" (internal web site). Withhold internet access to the "inweb" only for documents that are legally exempt under the Public Records Act. Provide access for the public to the many manuals and other documents that are on the inweb.
- Publish the Applied Program Interface (API) of the City web site, making it easier to move content to other web sites and applications
- Provide custom feeds such as RSS (Really Simple Syndication) that update a user on his or her preferred topics
- Facilitate social and interactive features
- Enable advanced search that goes beyond text matching (e.g. multidimensional search, searches for ranges of dates or other values, and searches based on complex and/or logical queries)
- Enable access by smart phones and other alternatives to the desktop computer

#### Public documents

- Archive all electronic documents for at least six years (the normal statute of limitations for felonies). Stop erasing most e-mails after 45 days.
- Do not assign to those who created a document the sole decision on deleting it; allow them to designate the documents they propose to delete, but have that decision made by someone without a potential conflict of interest
- Proactively provide paper copies (e.g. newsletters, posters) for those people who have limited or no access to a computer
- Preserve all public documents, including instant messages, text messages, voice mails, and social media postings
- Save documents in the original format, including metadata. If portable document format (PDF) is used, save from the digital version rather than by scanning, which loses the original formatting and greatly reduces the possibilities of search and analysis and eliminates the original document's metadata.

- Do not deliberately record over backup tapes or other backup media; use them as a backup for archival systems
- Digitize legislation and other documents that date from a period before electronic records existed. Electronic versions of most Seattle ordinances and resolutions are still unavailable.
- Create and maintain indexes to public documents, and post the indexes on the City web site
- Post on the City web site the documents that have been produced as a result of public requests; or at least, provide an index to these documents
- Provide documents freely; do not invoke the Public Records Act as a way to slow down or reduce the provision of documents
- Do not withhold documents just because legally they can be; decide this on a case by case basis
- Release the requested documents quickly; don't take the maximum allowable time
- Provide the requested documents in electronic form if that is what the requester wants

*2. Describe how the issue is currently addressed in the Comprehensive Plan. If the issue is not adequately addressed, describe the need for it.*

The Comprehensive Plan currently does not have an element or appendix devoted to Open and Participatory Government, nor indeed any real discussion of this subject. It also does not have any goals or policies that are broadly designed to make the many activities of City government transparent to its citizens, or to make it easy for them to participate directly in its decisions that affect them.

Planning for democracy is just as important as planning for physical or cultural development. The consequences of a failure to plan are as severe for the City's democratic development as for its physical or cultural development. Openness in government, and the opportunity for the public to participate directly in government decision-making, are important contributors to wise decisions. They are also essential means by which government earns the public's trust.

It is not uncommon for a local comprehensive plan to have an element or appendix regarding open and participatory government. For example, The City of Spokane's Comprehensive Plan (2012) has a 13-page chapter on "Leadership, Governance, and Citizenship."

*3. Describe why the proposed change meets the criteria adopted in Resolution 30662 for considering an amendment to the Comprehensive Plan. The criteria are listed at the end of this application form. Is a Comprehensive Plan amendment the best means for meeting the identified public need? What other options are there for meeting the identified public need?*

While an amendment on this topic was excluded from the docket and thus not studied by the City Council in 2008, 2009, 2010, and 2011, this proposal is different in important respects. Also, specific legislative history strongly recommends that this proposal be considered in the 2012 amendment process. That is because Resolution 31049 (adopted by the City Council on April 16, 2008) committed the City Council to "develop a coordinated plan and policy on open and participatory government outside of the Comprehensive Plan." Although it is now

well over four years since the passage of Res. 31049, such a plan is not ready, even in draft, nor has the general public as yet been asked for its input on the plan, nor has a public meeting for that specific purpose been held.

Res. 31049 also stated that "The Council's review will include consideration of possible Comprehensive Plan policies for the 2009 Comprehensive Plan amendment cycle." However, the 2009 Comprehensive Plan amendment cycle included no such consideration of Comprehensive Plan policies regarding open and participatory government. In fairness to the process and commitments of the 2008 Res. 31049, it is essential that the present proposal for a new element or appendix to the Comprehensive Plan be considered in the 2012 amendment process.

A major reason for adopting these improvements within the Comprehensive Plan is precisely because, under state law, there are greater protections for due process and participation regarding the Comprehensive Plan than there are for a free-form "planning" process that, so far, has left as empty words the express commitment of Res. 31049 that the Council would develop a "coordinated plan and policy on open and participatory government outside of the Comprehensive Plan." The sad shortfall in observing the requirements of Res. 31039 demonstrates that planning for open and participatory government will not occur unless it is done within the framework of the Comprehensive Plan. It is now more than four years since the City Council's 2008 promise in Res. 31049 to do a plan for open and participatory government outside of the Comprehensive Plan. If the City Council does not proceed immediately to develop such a plan, it has no reasonable choice than to proceed with developing such a plan within the Comprehensive Plan.

*4. What do you anticipate will be the impacts caused by the change in text, including the geographic area affected and the issues presented? Why will the proposed change result in a net benefit to the community?*

Adoption of a new element or appendix on Open and Participatory Government will positively affect all areas of the City, and all issues that City government addresses. The new element or appendix, and the goals, objectives, and policies that are a part of it, will bring to government decisions the benefit of public input. Members of the public will feel that government wants to hear from them and has listened to their views. Government officials also will equally benefit from this renewed partnership. They will, themselves, have better access to documents, and they will also benefit from high-quality public input--which after all, is free.

*5. How would the proposed change comply with the community vision statements, goals, objectives, and policies of the Comprehensive Plan? Please include any data, research, or reasoning that supports the proposed amendments.*

There is not a viable alternative to this proposal. The current Comprehensive Plan is out of balance in that it lacks an element or appendix on Open and Participatory Government. The community vision statements, goals, objectives and policies of the Comprehensive Plan (and of the City Charter, ordinances, resolutions, regulations, and other plans and policies) cannot

be fully realized unless government has adopted a plan to operate openly and to allow and encourage the public to participate actively with it. The social science literature widely supports the finding that open government, and public participation in government decision-making, encourage better decisions, and earn higher trust from the public.

*6. Is there public support for this proposed text amendments (i.e. have you conducted community meetings, etc.)? Note: The City will provide a public participation process, public notice, and environmental review for all applications.*

Yes, there is broad public support for establishing Open and Participatory Government as a new element or appendix of the Comprehensive Plan, along with adopting goals and policies to carry out this element or appendix.